

ORDINANCE NO. 2006 -022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO ESTABLISH AND RECOGNIZE A MANDATORY WORKFORCE HOUSING PROGRAM); **TRANSPORTATION ELEMENT** (TO ESTABLISH AND RECOGNIZE A MANDATORY WORKFORCE HOUSING PROGRAM); THE **HOUSING ELEMENT** (TO ESTABLISH AND RECOGNIZE A MANDATORY WORKFORCE HOUSING PROGRAM); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 23, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County
2 Commissioners held a public hearing to review the written comments
3 submitted by the Department of Community Affairs and to consider
4 adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendments as modified satisfy the concerns
7 addressed in the Department of Community Affairs' "Objections,
8 Recommendations and Comments Report" and comply with all requirements
9 of the Local Government Comprehensive Planning and Land Development
10 Regulations Act.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Part I. Amendments to the 1989 Comprehensive Plan**

14 Amendments to the text of the following Elements of the 1989
15 Comprehensive Plan are hereby adopted and attached to this Ordinance
16 in Exhibit 1:

- 17 **A. Housing Element**, to establish and recognize a mandatory
18 Workforce Housing Program;
19 **B. Transportation Element**, to establish and recognize a
20 mandatory Workforce Housing Program; and
21 **C. Future Land Use Element**, to establish and recognize a
22 mandatory Workforce Housing Program.

23 **Part II. Repeal of Laws in Conflict**

24 All local laws and ordinances applying to the unincorporated area
25 of Palm Beach County in conflict with any provision of this ordinance
26 are hereby repealed to the extent of such conflict.

27 **Part III. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this Ordinance is for any reason held by the Court to be
30 unconstitutional, inoperative or void, such holding shall not affect
31 the remainder of this Ordinance.

32 **Part IV. Inclusion in the 1989 Comprehensive Plan**

33 The provision of this Ordinance shall become and be made a part
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
35 Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21st day of August, 2006.

ATTEST:

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

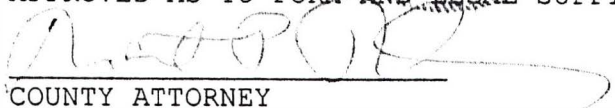
By: 

Deputy Clerk

By: 

~~for~~ Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 29th day of
August, 2006.

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EXHIBIT 1

A. Housing Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

Objective 1.1 Provision of Affordable Housing

1. **REVISED Policy 1.1-o:** The County shall preserve affordability of affordable housing units developed through the Workforce Housing program. The household income levels to be targeted will include a combination of ~~very low income (50% of median income or less)~~ low income (50 60%-80% of median income) moderate income (80-120% of median income) and middle income (120-150% of median income) households. The affordable units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of 10 years to be set forth in the Unified Land Development Code (ULDC). ~~for ownership units and for a period of up to 20 years for rental units. The All Workforce Housing program criteria conditions~~ shall continue to be subject to the review and approval of the Board of County Commissioners.

Objective 1.5 Concentrations of Affordable Housing

2. **New Policy 1.5-g:** The County shall establish a mandatory Workforce Housing Program to allow new residential developments within the Urban/Suburban, Exurban and Rural Tiers, the opportunity to provide a percentage of housing units for low, moderate and middle income households (60% to 150% of area median income) as a means to meet affordable housing needs and to disperse that needed housing in the unincorporated County. In order to achieve and encourage affordable housing units within residential developments incentives shall be offered to all developments that have a minimum of 10 permitted residential units and meet additional program criteria.

Workforce Unit Requirements:

Workforce Housing developments shall be required to provide a percentage of the standard density, PUD density and density bonus as units for income eligible households. These percentages shall be identified in the ULDC.

For land uses LR1, RR 2.5, RR 5, RR10 and RR20 the PUD density does not apply. The Agricultural Reserve Tier is not included.

The Workforce Housing development evaluation shall address specific criteria, including but not limited to:

1. eligible developments must have a minimum number of 10 permitted units;
2. Workforce units can be both rental units and for sale units;
3. Workforce units built on site will be designed to be compatible with the overall development;
4. Workforce units built on-site can be clustered or integrated within the development;
5. rental unit and resale unit affordability controls shall be guaranteed for a period to be set forth in the Unified Land Development Code (ULDC);
6. Workforce units may be allowed based on location, and land use compatibility, in any of the following land use categories: Commercial (mixed use); Industrial (mixed use); Economic Development Center; Institutional and Public Facilities, Traditional Town Development (TTD); Multiple Land Use (MLU) and, any Limited Urban Service Area located outside of the Urban/Surban Tier.

Incentives shall include:

1. For LR-1, LR-2, LR-3, RR-2.5, RR-5, RR-10 and RR-20 a density bonus of up to 30%.
2. traffic performance standards mitigation,
3. an expedited permit, zoning, and land use site plan approval process including engineering platting procedures.
4. a method to effectively offset impact fees and other development fees for the Workforce units only, may be included.

Density Bonus Greater than 30%

For land uses MR-5, HR-8, HR-12, and HR-18 a density bonus greater than 30%, up to 100% shall be permitted when all program criteria are met and the increased density creates no compatibility issues with adjacent properties.

When a density bonus of greater than 30 % is sought, the Workforce Housing development evaluation shall address the specific criteria (#1 - 6.) listed above and in addition the following criteria:

1. eligible developments are to be located inside the Urban/Suburban Tier, the Scientific Community Overlay, and any designated Limited Urban Service Area (LUSA) located within the Urban/Suburban Tier, consistent with surrounding uses and land use categories;
2. developments are required to be located near mass transportation and/or employment centers in order to receive a 100% density increase.
3. existing very-low and low income concentrations; and
4. review of County Housing Study Sector.

The specific program criteria including developer incentives will be set forth within the Unified Land Development Code (ULDC).

~~**Policy 1.5-g:** The County shall establish a Workforce Housing Program to allow new residential developments the opportunity to provide a percentage of housing units for lower income households, as a means to meet affordable housing needs and to disperse that needed housing in the unincorporated County. In order to achieve and encourage affordable housing units within residential developments incentives shall be offered to developments that meet certain criteria. The Planning, Zoning and Building Department shall be responsible for implementation of this program.~~

~~The Workforce Housing development evaluation shall address specific criteria, including but not limited to:~~

- ~~1. eligible developments are to be located inside the Urban Suburban Tier and/or the Scientific Community Overlay;~~
- ~~2. eligible developments must have a minimum number of 10 permitted units;~~
- ~~3. the percentage of units required to be affordable shall be up to 100% of the density bonus units;~~
- ~~4. affordable units can be both rental units and for sale units;~~
- ~~5. affordable units are to be integrated within the project; and designed to be compatible with overall development;~~
- ~~6. rental unit and resale unit affordability controls shall be guaranteed for a period of 10 years for ownership units and 20 years for rental units;~~
- ~~7. developments may be allowed based on location, existing very low and low income concentrations, and land use compatibility, in any of the following land use categories: Residential (LR1-HR18 only); Commercial (mixed use); Industrial (mixed use); Economic Development Center; Institutional and Public Facilities; Traditional Town Development (TTD); and, Multiple Land Use (MLU).~~
- ~~8. developments are required to be located near mass transportation and/or employment centers.~~

~~Developer incentives should include:~~

- ~~1. traffic concurrency mitigation will be applied to the entire project;~~
- ~~2. an expedited permit, zoning, and land use site plan approval process including engineering platting procedures;~~
- ~~3. a method to effectively offset impact fees and other development fees for the affordable units only, may be included;~~
- ~~4. a density bonus of at least 10% and up to 100% percent of the permitted density, may be allowed based on location, existing very low and low income concentrations, and land use compatibility; and,~~
- ~~5. developer incentives will be provided on a sliding scale with more incentives for very low income units to less incentives for moderate income units based on the type of residential unit, location, existing very low and low income concentrations, and land use compatibility.~~

REVISED Policy 1.5-h: ~~Following the establishment of the voluntary Workforce Housing program, t~~ The Planning Division shall prepare an annual report that describes all Workforce Housing program activities during the previous year. The annual report shall be provided to the Board of County Commissioners.

~~One year after the adoption of the ULDC amendments implementing the Workforce Housing program, the Board of County Commissioners shall evaluate the effectiveness of the program and decide if the program should remain voluntary or become a mandatory requirement.~~

B. Transportation Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.2 Level of Service Exceptions

1. **REVISED Policy 1.2-b:** Special methodologies shall be established as set forth in this policy and the Traffic Performance Standards affordable provision within the ULDC to encourage and facilitate the development and geographic dispersal of very low, low and moderate income housing throughout the County. Two types of housing developments (projects) may qualify for the special methodologies.

a. MIXED HOUSING

Mixed housing projects which include both market rate and affordable units and promote a balance of housing opportunities, need not meet the level of service standards of this Element if the project traffic is less than or equal to three percent (3 %) of the peak season, peak hour Level of Service D Standard on any Link.

b. WORKFORCE HOUSING

~~Palm Beach County shall establish a~~ The mandatory Workforce Housing Program ~~which will only apply within the Urban-Suburban, Tier Exurban and Rural Tiers of the unincorporated County and/or the Scientific Community Overlay. As a result the following Traffic Performance Standards affordable provisions shall be available only for County unincorporated developments that meet the Workforce Housing Program criteria.~~

Special methodologies shall be established consistent with this policy in the Traffic Performance Standards affordable housing provision within the ULDC to encourage and facilitate the development and geographic dispersal of ~~very low~~, low, moderate and middle income housing within the Urban-Suburban, ~~Tier Exurban and Rural Tiers and the Scientific Community Overlay~~ of the unincorporated County.

~~Mixed~~ Workforce Housing projects located within the Urban-Suburban, Tier Exurban and Rural Tiers of the unincorporated County and/or the Scientific Community Overlay shall meet the following provision:

The projects net trips associated with the non-workforce units attributable to the standard density and all non residential land uses shall be subject to the 1% of adopted level-of-service. The projects net trips associated with the entire project (including workforce units) shall be subject to the 5% adopted level-of-service significance level in determining compliance with the Traffic Performance Standards.

To address any adverse impacts on the Strategic Intermodal System (SIS) facilities, any development utilizing this exception and significantly impacting SIS facilities shall be required to address its impacts on SIS facilities pursuant to the ULDC.

~~which include both market rate and affordable units and promote a balance of housing opportunities, need not meet the level of service standards of this Element if the project traffic is less than or equal to up to five percent (5%) of the peak season, peak hour Level of Service D Standard on any Link or Intersection, as provided in the ULDC.~~

C. Future Land Use Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

Objective 1.3 Exurban Tier

1. **Revised Policy 1.3-d:** Any parcel of land in the Exurban Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: all parcels have a minimum lot size of 2.5 acres, or are developed utilizing the Workforce Housing programs or as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units for the reconfigured lots may not exceed the original number of units calculated for the parcels prior to their reconfiguration, except to accommodate additional density granted through the Workforce Housing programs.
2. **New Policy 1.3-k:** The County will allow an increase in density greater than the RR-2.5 Future Land Use category only within the Exurban Tier. This shall only be permitted when the Workforce Housing program is utilized, (except as provided within the Central Western Communities Overlay area). The Workforce Housing program allows an opportunity to set aside a certain percentage of units for low and moderate income housing, as described in the policies in Housing Element Objective 1.1 and 1.5 and the ULDC.

Objective 1.4 Rural Tier

3. **Revised Policy 1.4-d:** Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation, or is developed utilizing the Workforce Housing programs or as a Rural Residential (RR) Cluster or Variable-Lot-Size development. Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured, except to accommodate additional density granted through the Workforce Housing programs.
4. **New Policy 1.4-n:** The County will allow an increase in density greater than the RR-5 Future Land Use category only within the Rural Tier. This shall only be permitted when the Workforce Housing program is utilized (except as provided within the Central Western Communities Overlay area). The Workforce Housing program allows an opportunity to set aside a certain percentage of units for low and moderate income housing, as described in the policies in Housing Element Objective 1.1 and 1.5 and the ULDC.

III. IMPLEMENTATION

- A. Land Use Designations
1. Residential

5. **New Standard and Maximum Density Exemptions – Exurban and Rural Tiers.** Densities greater than those indicated in Table 2.1-1 may be granted as follows: Parcels may only be granted density above the Standard or Maximum Density pursuant to the Workforce Housing program.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOOK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on **AUG 21 2006**

dated at Palm Beach, FL on **9-7-2006**
by *[Signature]*
Deputy Clerk

